

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISION

STATE OF LOUISIANA,  
By and through its Attorney General, LIZ  
MURRILL

AMERICAN PETROLEUM INSTITUTE;  
and,

CHEVRON U.S.A. INC.,

Plaintiffs,

v.

NATIONAL MARINE FISHERIES  
SERVICE; and

HOWARD LUTNICK, in his official capacity  
as the Secretary of Commerce,

Defendants.

CIVIL ACTION NO. 2:25-cv-00691-JDC-TPL

Hon. James D. Cain, Jr.

Magistrate Judge Thomas P. LeBlanc

**MOTION FOR SUMMARY JUDGMENT**

Plaintiffs the State of Louisiana, the American Petroleum Institute (“API”), and Chevron U.S.A. Inc. (“Chevron”) (collectively, “Plaintiffs”) respectfully move under Federal Rule of Civil Procedure 56 for summary judgment on Claim 1, Claim 2, Claim 3, and Claim 4 of their Complaint (ECF 1) against Defendants National Marine Fisheries Service and Howard Lutnick. Plaintiffs’ suit is filed pursuant to the Administrative Procedure Act (“APA”) and challenges the Defendants’ actions in preparing the “Biological and Conference Opinion on Bureau of Ocean Energy Management and Bureau of Safety and Environmental Enforcement’s Oil and Gas Program Activities in the Gulf of America,” issued on May 20, 2025 (the “2025 BiOp”).

Plaintiffs’ Motion for Summary Judgment is supported by the attached Memorandum in

Support, the Administrative Record, the Declarations of Holly Hopkins, Edward O'Brien, and Joe Gordon, and the pleadings on file in this case. As these supporting documents make clear, there is no genuine issue of material facts as to Plaintiffs' claims, and Plaintiffs are entitled to summary judgement as a matter of law. Fed. R. Civ. P. 56(a).

Plaintiffs have standing to challenge the 2025 BiOp as set forth in the Declarations of Holly Hopkins, Edward O'Brien, and Joe Gordon. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 because Plaintiffs' claims assert federal questions arising under the APA and the Endangered Species Act.

Accordingly, for the reasons set forth in the Memorandum, Plaintiffs respectfully request that the Court grant summary judgment in Plaintiffs' favor, declare that the 2025 BiOp and incidental take statement are arbitrary, capricious, and contrary to law, and remand, without vacatur, the 2025 BiOp to the Defendants to timely correct these errors. Fed. R. Civ. P. 56(a).

DATED: August 11, 2025

Respectfully submitted,

/s/ James A. Holmes  
JAMES A. HOLMES – BAR #20571  
CHRISTOVICH & KEARNEY, LLP  
601 Poydras Street, Suite 2300  
New Orleans, LA 70130-6078  
Tel: (504) 561-5700  
[jaholmes@christovich.com](mailto:jaholmes@christovich.com)  
[kanderson@christovich.com](mailto:kanderson@christovich.com)

STOEL RIVES LLP  
Ryan P. Steen (*pro hac vice*)  
Jason T. Morgan (*pro hac vice*)  
Tiffany M. Wang (*pro hac vice*)  
600 University Street, Suite 3600  
Seattle, WA 98101  
Telephone: 206.624.0900  
Facsimile: 206.386.7500  
[ryan.steen@stoel.com](mailto:ryan.steen@stoel.com)

ELIZABETH B. MURRILL  
Attorney General of Louisiana  
/s/ Caitlin A. Huettemann  
CAITLIN A. HUETTEMANN –  
BAR #40402  
Assistant Solicitor General  
OFFICE OF THE ATTORNEY GENERAL  
1885 N. 3rd St.  
Baton Rouge, LA 70802  
(225) 888-7903  
[HuettemannC@ag.louisiana.gov](mailto:HuettemannC@ag.louisiana.gov)  
*Attorneys for the State of Louisiana*

[jason.morgan@stoel.com](mailto:jason.morgan@stoel.com)

[tiffany.wang@stoel.com](mailto:tiffany.wang@stoel.com)

*Attorneys for American Petroleum Institute*

/s/ Michael R. Phillips

Michael R. Phillips (#21020)

Claire E. Juneau (#33209)

Jeffrey J. Gelpi (#37130)

KEAN MILLER LLP

BankPlus Tower

909 Poydras St., Suite 3600

New Orleans, LA 70112

(504) 585-3050

[mike.phillips@keanmiller.com](mailto:mike.phillips@keanmiller.com)

[claire.juneau@keanmiller.com](mailto:claire.juneau@keanmiller.com)

[jeff.gelpi@keanmiller.com](mailto:jeff.gelpi@keanmiller.com)

Sarah C. Bordelon (*pro hac vice*)

HOLLAND & HART LLP

5470 Kietzke Lane, Suite 100

Reno, NV 89511

(775) 327-3011

[scbordelon@hollandhart.com](mailto:scbordelon@hollandhart.com)

Sean Marotta (*pro hac vice*)

Dana A. Raphael (*pro hac vice*)

HOGAN LOVELLS US LLP

555 Thirteenth Street N.W.

Washington, D.C. 20004

(202) 637-5600

[sean.marotta@hoganlovells.com](mailto:sean.marotta@hoganlovells.com)

[dana.raaphael@hoganlovells.com](mailto:dana.raaphael@hoganlovells.com)

*Counsel for Plaintiff Chevron U.S.A. Inc.*